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S L A V E S.

AN ORDER OF THE KING IN COUNCIL,

FOR

CONSOLIDATING the several LAWS recently made for improving the condition of the SLAVES in His Majesty's Colonies of *Trinidad, Berbice, Demerara, Saint Lucia, Cape of Good Hope* and *Mauritius*.

Ordered, by The House of Commons, to be Printed,
8 February 1830.

AT THE COURT AT WINDSOR, the 2d of February 1830.

Present;—THE KING'S Most Excellent MAJESTY in Council.

I.—WHEREAS on the 10th of March 1824, an Order was made by His Majesty, with the advice of His Privy Council, making provision for the religious instruction of the Slaves in His Majesty's Island of Trinidad, and for the improvement of their condition: And whereas on the 7th day of September 1825, an Ordinance for the religious instruction of Slaves in His Majesty's united Colonies of Demerara and Essequibo, was enacted by the Lieutenant-Governor and Court of Policy of the said Colonies: And whereas, on the 25th day of September 1826, an Ordinance for promoting the religious instruction, and bettering the state and condition of the Slave population in His Majesty's Colony of Berbice, was enacted by the Lieutenant-Governor, and the Council of Government of that Colony: And whereas, on the 8th February 1826, an Ordinance was enacted by the Governor of His Majesty's Island of St. Lucia, with the advice of the Council of Government of the said Island, for the better government of Slaves in Saint Lucia, and for improving their condition: And whereas, on the 19th day of June 1826, an Ordinance was enacted by the Lieutenant-Governor of the Colony of the Cape of Good Hope, in Council, for improving the condition of the Slaves at the Cape of Good Hope: And whereas, on the 7th day of February 1829, an Ordinance was passed and enacted by the Governor of His Majesty's Island of Mauritius in Council, for improving the condition of Slaves in that Island, and its Dependencies: And whereas, in the said Colonies, or some of them, Laws and Ordinances, or Proclamations, have been enacted for the explanation or amendment of the Order of His Majesty in Council, and the several Ordinances hereinbefore mentioned, or some of them: And whereas, on the 5th day of February 1827, there were laid before His Majesty in Council, four Petitions from various proprietors and mortgagees of estates in the Colonies of Demerara and Berbice, praying that no Order in Council might issue, allowing the Slaves in Demerara to purchase their freedom, without the concurrence of their masters, and that so much of the Order so passed as aforesaid by the Lieutenant-Governor and Council in Berbice, as allows Slaves so to do in that Colony, might be rescinded: And whereas, on the said 5th day of February 1827, His Majesty was pleased to refer the consideration of the said Petitions to a Committee of His Privy Council, and the said Committee having proceeded to take the said Petitions into their consideration, and having heard what was alleged on the behalf of the said petitioners, did, on the 18th day of March 1829, report to His Majesty in Council, their opinion, That no sufficient cause had been shewn why His Majesty should rescind so much of the said Ordinance of the said Lieutenant-Governor of Berbice in Council, as enables the Slaves within the said Colony to effect the purchase of their freedom upon an appraisement, in cases where the owners of any such Slaves might not be consenting, or by reason of some legal disability, might be unable to give any valid consent to such purchase, and that it might be expedient for His Majesty in His Privy Council to issue an Order confirming and giving effect to the said Ordinance of the said Lieutenant-Governor in Council, with such modifications, with a view to the more effectual execution thereof, as might appear advisable; regard being had to the laws of the said Colony, which laws His Majesty had been graciously pleased to preserve and maintain: And whereas, on the 18th day of March 1829, His Majesty, with the advice of His Privy Council, was graciously pleased to confirm and approve the said report: And whereas it is expedient that the laws for improving the condition of the Slaves within the said several Colonies should be uniform, so far as may be practicable, due regard being had to the local circumstances and peculiar laws of the said Colonies respectively; and it is therefore expedient to revoke the said Order of His Majesty in Council of the 10th day of March 1824, and the several Laws, Ordinances and Proclamations so passed and enacted as aforesaid, in the said several Colonies, and to consolidate and bring into

Recital and Repeal of all the Laws for improving the condition of Slaves made in the Crown Colonies since the Trinidad Order in Council of the 10th of March, 1824, including that Order. The Repeal not to bar prosecutions for past offences, nor to destroy any vested rights.

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one law, applicable to all the said Colonies, such provisions as it is necessary to make for improving the condition of the Slaves therein: It is therefore hereby ordered by the King's Most Excellent Majesty, by and with the advice of His Privy Council, That the said Order of His Majesty in Council of the 10th day of March 1824, and the said Ordinance of the Lieutenant-Governor and Court of Policy of Demerara, of the 7th day of September 1825, and the said Ordinance of the Lieutenant-Governor and Council of the Colony of Berbice, of the 25th day of September 1826, and the said Ordinance of the Governor in Council of Saint Lucia, of the 8th day of February 1826, and the said Ordinance of the Lieutenant-Governor of the Colony of the Cape of Good Hope, of the 19th day of June 1826, and the said Ordinance of the Governor in Council of Mauritius, of the 7th day of February 1829, together with all laws, ordinances and proclamations passed, enacted or promulgated, within the said several Colonies, or any of them, for the explanation or amendment of the said Order in Council of the 10th day of March 1824, and of the said several ordinances, or any of them, shall be and the same are hereby respectively revoked, repealed and annulled: Provided, nevertheless, that the said repeal shall not take effect within any of the said Colonies, until this present Order shall in manner hereinafter mentioned, have been duly promulgated and made known in such Colony: Provided also, that notwithstanding the repeal of the said Order in Council of the 10th March 1824, and of the several ordinances, laws and proclamations aforesaid, all crimes or offences committed against the same, or any of them, and all fines, penalties and forfeitures incurred under the same, or any of them, shall continue liable to be punished, sued for, recovered and applied in such and the same manner as if this present Order had not been made; and that all rights of what nature or kind soever, which under and by virtue of the said Order in Council of the 10th of March 1824, and of the said several ordinances, laws and proclamations, or any of them, had actually accrued to, and become invested in, any Slave or Slaves, or other person or persons, before or at the time of such repeal as aforesaid, shall be preserved to and continue vested in such Slave or Slaves, or other person or persons, as fully and effectually in all respects as though this present Order had not been made.

The appointment of a Protector of Slaves in each of the Crown Colonies; saving existing offices.

II.—And it is further ordered, That within each of the said several Colonies of Trinidad, Demerara, Berbice, St. Lucia, the Cape of Good Hope, and Mauritius, there shall be an officer to be called The Protector of Slaves, who shall hold such his office at His Majesty's pleasure, and shall from time to time be appointed to the same by His Majesty: Provided, nevertheless, that any person now holding the office of Protector of Slaves in any of the said Colonies, under the said Order in Council of the 10th March 1824, or under the said ordinances or any of them, shall without any new or further appointment be and become the Protector of Slaves in such Colony, as fully to all intents and purposes as if he had been appointed to such his office, under and in pursuance of this present order.

The Salary of Protectors of Slaves, and the Oaths to be taken by them.

III.—And it is further ordered, That each of the said Protectors of Slaves shall receive such a Salary as His Majesty shall be pleased to appoint; and that before any such Protector shall enter upon the duties of such his office, he shall appear before the Governor of the Colony to which he may be so appointed, in whose presence he shall take and subscribe an Oath, which such Governor is hereby required to administer, in the following terms: "I, *A. B.* do swear, That I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of Protector of Slaves in the Colony of _____ without fear, favour or partiality. So help me GOD."

The Protectors to keep offices, the hours of their attendance, and the custody of their records.

IV.—And it is further ordered, That the said Protector of Slaves shall establish and keep an Office in the principal town or seat of government in each of the said Colonies respectively, and shall regularly attend at such office on such days, and during such hours of the day, as the Governor of the Colony, by any general or special order to be by him for that purpose issued, may appoint; and shall at such office, and not elsewhere, keep, deposit, and preserve the several records, books, paper, and writings hereinafter directed to be kept by him.

The Protectors not to be Owners or Managers of Slaves on pain of a forfeiture of office. Until that forfeiture is publicly declared, all inter-

V.—And it is further ordered, That no such Protector of Slaves shall himself be the Owner of any Slave, nor have any share or interest in, or any mortgage or security upon, any Slave, nor be the Proprietor of, nor have any share, or interest, or mortgage, or security, upon any land, cultivated by the labour of Slaves; and he is hereby declared to be incompetent to be, or to act as the manager, overseer, agent, or attorney,

attorney, of, for, or upon any plantation or estate within the Colony to which he may be so appointed; and in case any such Protector of Slaves shall acquire, have, hold, or possess, either in his own right, or in right of his wife, or as guardian of, or in trust for any other person or persons, any Slave, or any land cultivated by the labour of Slaves, or any share or interest in, or any mortgage or security upon any such land or Slaves, or shall act as such manager, overseer, agent, attorney, guardian, trustee or executor as aforesaid, he shall thenceforth, *de facto*, cease to be such Protector of Slaves, and forfeit such his salary; and some other fit and proper person shall forthwith be appointed to succeed to his said office: Provided nevertheless, that all Acts which may be done by or by the order of any such Protector of Slaves, after any such avoidance as aforesaid of such his office, and before the same shall, by public notice in the Gazette of the Colony to which he had been appointed, be declared void, shall be as valid and effectual in the law as if no such avoidance had occurred: Provided that nothing herein contained, shall prevent any such Protector of Slaves from hiring, and employing any number of such hired Slaves, for and in the domestic service of himself or any members of his family, if it shall be first made to appear by such Protector, to the satisfaction of the Governor of the Colony to which he may belong, that it is not in his power to hire free persons to perform such domestic services.

mediate acts are to be valid. The Protector may hire Slaves for his domestic service if unable to hire free servants.

VI.—And it is further ordered, That every such Protector of Slaves shall, at all times, be resident within the Colony to which he shall have been appointed, and shall not quit the same without a special license to be granted for that purpose by His Majesty, through one of His principal Secretaries of State: Provided, nevertheless, that if it shall be made to appear to the Governor of any such Colony, as aforesaid, that the absence of the Protector of Slaves of such Colony is essential to his health, then, and not otherwise, such Governor may grant to such Protector a leave of absence for any time not exceeding twelve months in the Cape of Good Hope and Mauritius, nor exceeding six months in the Colonies of Trinidad, Saint Lucia, Demerara, and Berbice.

The Protectors to be constantly resident except by the license of the Secretary of State. In case of sickness the Governor may grant a leave of absence for a limited time.

VII.—And it is further ordered, That upon the death, suspension, removal, or resignation of any such Protector of Slaves, or in the event of the bodily or mental incapacity of any such Protector, or during his absence from the Colony to which he may have been appointed, it shall be lawful for the Governor of such Colony to appoint some other person to act as Protector of Slaves until His Majesty's pleasure shall be known, and any such interim Protector shall receive such allowance, to be deducted from the salary of the Protector, if living, as the Governor for the time being of such Colony shall appoint: Provided always, that no person shall be so appointed or shall act in any of the Colonies aforesaid, by virtue of such appointment, who, according to the provisions of this order, would be incompetent to act as Protector of Slaves, unless it shall appear to the Governor of such Colony that a proper person, duly qualified and willing to act as such, cannot be found: And all persons so appointed shall, during their continuance in any such office, have, exercise and enjoy, all and every the powers hereby vested in the Protectors of Slaves, and shall be subject and liable to all such rules, regulations, and penalties, as are hereby made and provided with respect to such Protectors: Provided also, that all Protectors of Slaves in the said Colonies, shall at all times perform their duty in person, and not by Deputy,

On the death of Protectors or other avoidance of office, temporary Assistants to be appointed with salaries, and to be qualified (if possible) in the same manner as the principals.

VIII.—And it is hereby further ordered, That Assistant Protectors of Slaves shall be appointed by the Governors of the said several Colonies respectively, in each of the districts thereof, and such Assistant Protectors shall and are hereby required, in their several districts, to be assisting to the respective Protectors of Slaves of the said Colonies, in the execution of the powers hereby committed to them, and for that purpose to obey and carry into execution such lawful instructions as they may, from time to time, receive from such Protectors of Slaves respectively, in relation to the matters herein contained, or any of them.

Assistant Protectors to be appointed to execute all lawful instructions of the Protector.

IX.—And it is hereby further ordered, That no Protector, or Assistant Protector of Slaves, within the said Colonies, shall be competent to act as a magistrate or otherwise, for the decision of any complaint preferred by or against a Slave, or for the punishment of any offence committed by or against any Slave.

In cases of complaints by or against Slaves, the Protector or Assistant Protector cannot act as a Magistrate.

X.—And it is further ordered, That in all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any Tribunal or Court of Justice,

The Protector or Assistant Protector is to have notice of all prosecutions against

Slaves in capital or transportable cases, and of suits affecting their freedom and property, and of prosecutions for offences against their persons, and is to attend on behalf of the Slave.

Justice, within any of the said Colonies wherein any Slave may be charged with any offence punishable by death or transportation, or wherein any question may arise as to the right of any alleged Slave to freedom, or wherein any person may be charged with the murder of any Slave, or with any offence against the person of any Slave, or wherein any question may arise respecting the right of any Slave to any such property, as he or she is hereinafter declared competent to acquire; then, and in every such case, such notice shall be given to the Protector, or Assistant Protector of Slaves for the district in which such accused Slave may be resident, of every such action, suit, or prosecution, as according to the law of such Colony would be given to the said Slave, if he or she were of free condition; and such Protector or Assistant Protector shall and is hereby required to be present at the trial and all other the proceedings in every such action, suit, or prosecution, as the Protector of such Slave, and on his or her behalf.

The Protector or Assistant Protector, on receiving notice of an injury done to a Slave, is to enquire into the case, and if necessary, is to sue or prosecute the wrong-doer.

XI.—And it is hereby further ordered, That if complaint shall be made to any such Protector or Assistant Protector as aforesaid, of any wrong or injury inflicted upon, or received by, any Slave within the respective Colonies aforesaid, or if it shall come to his knowledge that any such wrong or injury hath been so inflicted or received, it shall be the duty of such Protector or Assistant Protector to enquire into the circumstances of the case, and if in the result of such enquiry it shall appear expedient to such Protector or Assistant Protector, that a civil action be brought, or a criminal proceeding instituted, against any person or persons in respect of any such wrong or injury, it shall be his duty and he is hereby required to institute a civil action or a criminal proceeding, as the case may be, against any such offender or wrong-doer, and to conduct such action or proceeding to its close by himself or any advocate or solicitor to be by him employed for that purpose.

Sunday Markets absolutely prohibited.

XII.—And whereas the custom of holding public Markets on Sunday, hath prevailed in the said Colonies, or some of them, it is hereby declared, That such markets are unlawful, and that the same shall henceforth absolutely cease and determine.

Proceedings to be had for the dispersion of Markets holden on the Sunday.

XIII.—And it is further ordered, That if any free Persons or Slaves shall on any Sunday hold any market, or assemble for the purpose of holding any market, in any town or other place within any of the said Colonies, it shall be the duty of the Officers of Police acting in and for any such town or place, and they are hereby required to make proclamation calling upon all persons present at any such market or assemblage forthwith to disperse; and any person who after such proclamation made shall continue present at any such market or assemblage, or shall return thither for the purpose of holding any such market as aforesaid, shall forfeit a sum not less than five, nor exceeding twenty shillings for every such offence.

The prohibition of the public Sale of Goods on Sunday in Shops or elsewhere.

XIV.—And it is hereby further ordered, That if any Slave or Slaves, or free person or persons, shall, at any place within any of the said Colonies, sell or expose for sale, on Sunday, any merchandize, goods or effects whatever, it shall be lawful for any officer of the police of such Colonies respectively, to seize any such merchandize, goods and effects, and cause them to be taken before any judge or magistrate of police of such Colony, who, upon view of the articles so seized, shall either order the same to be sold, or cause the same to be tendered to the person or persons from whom they were so taken, and restored to them, him or her, upon payment by any such person or persons, of a sum not less than ten nor more than twenty shillings; and the proceeds of every such sale, or the money to be so paid for the redemption of any such goods, shall be applied, one half for the benefit of the poor of the town or place in which such seizure shall be made, and the other half shall be paid to the person or persons making such seizure.

The Sale of certain perishable Articles permitted, except during Divine Service.

XV.—Provided always, and it is further ordered, That nothing herein contained shall extend, or be construed to extend, to prevent the sale of medicines, or of provisions for consumption in any inns or victualling houses on Sunday, nor to prevent the sale of milk, fresh meat, fish or turtle, in any shop or store on Sunday, between the hours set apart for the celebration of divine service on that day.

The Governor is to appoint one Market Day in each Week.

XVI.—And it is hereby ordered, That it shall be lawful for the Governor of each of the said Colonies respectively, and he is hereby required, by a public proclamation or proclamations, to be by him from time to time for that purpose issued, to appoint one day in each week for holding markets, at all places within the said Colony, at which it hath heretofore been customary to hold markets on Sunday, and to determine the hours of the day during which such markets shall be holden, and

and from time to time, as occasion may require, to alter the day or the hours of the day so to be appointed as aforesaid; and on any such weekly market-day, it shall not be lawful to seize in execution, under any civil process whatever, any Slave resorting to or being at or returning from any such market, but every such seizure shall be absolutely null and void to all intents and purposes.

XVII.—And it is further ordered, That no Slave within any of the Colonies aforesaid, shall be liable, except as hereinafter excepted, to labour for the benefit, profit or advantage of his or her owner or manager, or of any person or persons whatsoever, on any Sunday throughout the year.

Prohibition of Labour on Sunday.

XVIII.—And it is further ordered, That if any person shall compel, or shall by any means hire or induce any Slave to perform or engage in any labour on any Sunday, except in the cases hereinafter excepted, the person so offending shall, in respect of every such Slave, incur a fine of not less than twenty shillings, nor more than three pounds.

Penalty on Persons working their Slaves on Sunday.

XIX.—Provided nevertheless, and it is further ordered, That nothing herein contained shall extend to any domestic work or labour which may be performed on Sunday, by any Slave usually employed as a domestic, nor to any labour performed by any Slave in the tending or care of cattle.

Exception of the Labour of domestic Servants.

XX.—Provided also, and it is further ordered, That nothing herein contained shall prevent the employment of Slaves, in any of the Colonies aforesaid, on Sunday, for the performance of any work of necessity. But for the prevention of abuses herein, it is further ordered, that the Governors of the said Colonies respectively, shall from time to time, by proclamations to be by them for that purpose issued, define with all possible precision, every work of necessity in which any such Slave may be so employed on Sunday, and restrict and limit any such employment by such conditions as to them respectively may seem just; and every person, who on the ground of any such necessity, shall employ any Slave or Slaves to labour on Sunday, shall give to the Protector or Assistant Protector of the district in which such Slave or Slaves shall be resident, a previous notice in writing of his or her intention so to employ such Slaves; or if by reason of any unforeseen emergency it shall not be possible to give such notice previously to the actual employment of such Slave or Slaves, then a notice in writing that any such Slave or Slaves hath or have been so employed, shall within forty-eight hours next after such employment, be given to such Protector or Assistant Protector; and no person employing any Slave to labour within any of the said Colonies on Sunday, on the ground of necessity, shall be exempted from the penalties hereby imposed, unless such written notice as aforesaid be given within the time aforesaid to such Protector or Assistant Protector; nor unless the necessity shall be such as shall have been defined by a proclamation so issued by such Governor as aforesaid, nor unless the conditions and restrictions in any such proclamation contained, shall be observed and performed.

Slaves may be employed on Sunday in works of necessity. The Governor, by proclamation, to define what works are necessary. Notice to be given to the Protector, of every such employment of Slaves.

XXI.—And it is hereby further ordered and declared, That it is and shall henceforth be illegal for any person or persons within any of the said Colonies, while superintending the labour of any Slave or Slaves in any agricultural or manufacturing operation, to carry any whip, cat or other instrument usually employed in the punishment of Slaves, or to exhibit any such whip, cat or other instrument, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same over any Slaves or Slave, or to strike, beat or scourge any Slave or Slaves with any such whip, cat or other instrument, unless for the punishment of some fault by such Slave or Slaves previously committed; and any person who in contravention hereof shall so carry, exhibit or use any such whip, cat or other instrument, or direct, authorize, procure, or be assisting in or towards the commission of any such offence, shall be and be deemed guilty of a misdemeanor.

The Whip may not be carried in the Field as a stimulus to labour, nor as an emblem of authority, nor used except for the punishment of a fault previously committed.

XXII.—And it is further declared and ordered, That it is, and shall be illegal to correct or punish any female Slave within any of the said Colonies, by the flogging, whipping, scourging or beating of her person; and that it is and shall henceforth be illegal to correct or punish any male Slave within any of the said Colonies, by the flogging, whipping, scourging or beating of his person, if the whole number of stripes inflicted on such male Slave for any one offence, shall exceed twenty-five, or if by any number of successive punishments, more than twenty-five stripes in the whole be inflicted on any such male Slave within twenty-four hours; or if at

Females may not be punished by whipping. Males may not receive more than twenty-five stripes for one offence, nor more than twenty-five lashes in one day, nor any whipping, so long as any unhealed scars remain on the body, nor unless one free witness, or six Slaves be present.

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the time of inflicting any such punishment there shall be on the person of such Slave any unhealed wound or laceration occasioned by any former punishment; or if some one person of free condition, not being either the person inflicting or the person authorizing the said punishment, be not present at and witnessing the infliction of such punishment; or in cases where the attendance of no such free witness can be procured, then if six adult Slaves, at the least, be not present at, and witnessing the infliction of such punishment; and any person or persons, who in contravention hereof shall correct or punish any female Slave by the flogging, whipping, scourging or beating of her person, or inflict upon any male Slave any punishment to an amount or under circumstances so prohibited and declared illegal as aforesaid, or direct, authorize or procure, or be assisting in or towards the commission of any such offence, shall be and be deemed guilty of a misdemeanor.

Exception of Judicial punishment.

XXIII.—Provided nevertheless, and it is hereby ordered, That nothing herein contained shall extend to any punishment which may be inflicted upon any male Slave by virtue of the sentence of any Court of competent jurisdiction within any of the Colonies aforesaid.

Punishments of Female Slave Children excepted, if not more severe than punishments legally inflicted in Schools on Children of free condition.

XXIV.—Provided also, That nothing herein contained, extends or shall be construed to extend, to prevent the owner or manager of any female Slave under the age of ten years, from causing her to be punished for any fault by her committed, in the same manner, and to the same extent, as any female child of free condition may lawfully be, and usually is punished in any schools for the education of youth in the said Colonies respectively.

The Governors authorized to prescribe the modes of punishment which in the case of Female Slaves are to be substituted for punishment by the Whip.

XXV.—And whereas it is necessary that effectual means should be adopted for the punishment of such offences as may hereafter be committed by female Slaves within the said Colonies, but regulations of that nature cannot conveniently be made, except by persons resident within the said Colonies, it is therefore ordered, That any female Slave who shall commit any offence within any of the said Colonies, which by the laws in force there was heretofore punishable by whipping, shall for such her offence be subject and liable to imprisonment, or to confinement in the stocks, or to such other punishment as may be specially authorized by any proclamation or proclamations, from time to time to be for that purpose issued by the Governors of the said Colonies respectively; and in such proclamations the said Governors shall prescribe with all practicable precision, the nature and extent of the punishments so to be substituted for the punishment of whipping in the case of female Slaves, and shall make such rules and regulations as may be necessary for preventing and punishing any abuses in the infliction of such substituted punishments.

The Protector in each Colony is to deliver to every Manager of Slaves, annually, a Book for keeping a Record of all Punishments inflicted on Plantation Slaves.

XXVI.—And it is further ordered, That the Protector of Slaves in each of the said Colonies, and every Assistant Protector in his district, shall in the month of December, in each year, on application to him and them for that purpose made, deliver to every manager of Slaves employed in any agricultural or manufacturing labour within the said Colonies, a printed blank book to be called The Punishment Record Book, and to be made up for, and to be used during the year commencing on the 1st day of January then next ensuing; and for every such book, every such Protector or Assistant Protector of Slaves, as the case may be, shall be entitled to demand and receive the sum of one shilling, and no more; and every such manager of Slaves shall and is hereby required to supply himself with a copy of such printed blank book, on payment of the sum aforesaid to such Protector or Assistant Protector; and if any person shall at any time during the year next ensuing, upon any such month of December, and after the commencement of such year, enter upon the management of any Slaves employed in any such labour as aforesaid, every such person shall and is hereby required to supply himself or herself with a copy of such printed blank book, on payment of the sum aforesaid to such Protector or Assistant Protector.

The Manager is to insert in the Books an account of every Punishment, the age and sex of the Slave, the offence, the time, and place, where committed, the extent of Punishment, by whom authorized and inflicted, and the Witnesses present.

XXVII.—And it is hereby further ordered, That every manager of Slaves employed in agricultural or manufacturing labour, within any of the said Colonies, shall insert in such printed blank book as aforesaid, an exact and true account of every punishment by him or her, or by his or her authority, inflicted upon each and every such Slave, specifying the age and sex of the Slave so punished, and the nature of the offence in respect of which such punishment may have been inflicted, and the time at which and the place where such offence was committed, and the time at which, and the place where such punishment was inflicted, and the nature and extent of the

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the punishment; and the name of the person by whom, and by the authority of whom the punishment was inflicted, and the name or names of the witness or witnesses present and attending at the infliction of every such punishment; and in the cases of any male Slaves, who shall be punished by whipping, the number of stripes actually inflicted upon the offender.

XXVIII.—And it is further ordered, That if the manager of any plantation Slaves within any of the said Colonies, shall neglect or omit to make in the said punishment record book any entry which, according to the provisions of this Order ought to have been made therein, or shall not make such entry within two days next after the infliction of the punishment to which such entry may refer, the persons so offending shall incur a fine not exceeding twenty pounds, nor less than two pounds: and if any person or persons shall wilfully or fraudulently make, or cause or procure to be made any false or fraudulent entry or erasure in any such punishment record book, or shall wilfully or fraudulently burn, destroy, cancel, or obliterate the same, or any part thereof, he, she or they, shall be deemed to be guilty of a misdemeanor.

Penalties on omitting to make Entries, and on false or fraudulent Entries, Erasures, &c.

XXIX.—And it is further ordered, That every manager of any plantation Slaves within the said Colonies, shall on or within five days next after the first Monday which shall happen next after the 5th day of April and the 29th day of September in each year, repair to the Protector, or the Assistant Protector of Slaves for the district in which such Slaves shall then be resident, and shall then and there produce before him an exact transcript of every entry which, during the half year next preceding, may have been made by such manager in his or her punishment record book, and shall then and there take and subscribe before such Protector or Assistant Protector, an Affidavit to be annexed to the said transcript, in the following words, that is to say,

Half-yearly returns to be made of the Entries in these Books, on the oath of the Manager

“ I, *A. B.* do make oath, and say, That the paper writing hereunto annexed, contains a true and exact copy of every entry, which, since the day of last, hath been made in the punishment record book of the plantation Slaves under my management: And I do further swear, That the said punishment record book hath been punctually and accurately kept since the said day of in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me or by any person by my procurement, or with my consent, or to my knowledge and belief. So help me GOD.”

XXX.—And whereas some persons having the management of plantation Slaves in the said Colonies may be unable to write or keep such records as aforesaid, it is further ordered, That it shall and may be lawful for any such person to employ any other person to keep such record or punishments on his or her behalf; and to every such illiterate person as aforesaid, instead of the Oath hereinbefore mentioned, the Protector or Assistant Protector of Slaves, as the case may be, shall, and is hereby authorized to administer an Oath in the following words; viz.

In cases where the Manager cannot write, he may employ another person to keep the Record, and is to be sworn in a different form.

“ I, *A. B.* do make oath and say, That I am unable to write. I do further swear, That the punishment record book of the plantation Slaves under my management, hath, to the best of my belief, been punctually and accurately kept since the day of in the manner by law required, by *C. D.*, of whom I have employed for that purpose: And I do swear, That no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my consent, or to my knowledge or belief. So help me GOD.”

XXXI.—And in case any such manager as aforesaid shall not, since the time of making his said last preceding return, have inflicted, or authorized to be inflicted, any such punishment as is hereinbefore required to be recorded in the said book, then, and in every such case, in lieu of the Oath aforesaid, such owner or manager shall, at the time and place aforesaid, take and subscribe an Oath in the following words, that is to say,

In cases where no punishments have been inflicted during the half-year, a special Return on Oath to be made of that fact.

“ I, *A. B.* do swear, That since the day of now past, no punishment hath been inflicted by me, or by my order or authority, or to my knowledge or belief, upon any plantation Slave under my management. So help me GOD.”

XXXII.—Provided always, and it is further ordered, That the Protector or Assistant Protector of Slaves within each of the said Colonies, shall, fourteen days

The Protector is to supply all Managers with blank forms of Returns, and to pub-

lish the time and place when he will attend to receive them. In case of sickness the Manager to be attended at his own home.

at the least before the time appointed for making the said returns, transmit to the manager of all plantation Slaves within their respective districts, a printed blank form of each of the before-mentioned affidavits, together with a notice of the time and place at which he will attend for the purpose of receiving the said returns, and administering the oaths aforesaid, and the said Assistant Protectors of Slaves shall and they are hereby required to attend accordingly from day to day for six successive days, and no more, for the purposes aforesaid; and in case it shall be made to appear to any such Protector or Assistant Protector, by the oath of any medical practitioner, (which oath such Protector or Assistant Protector is hereby authorized to administer,) that any person liable to make such return is, by reason of sickness, incapable of attending for that purpose at the time and place so to be appointed as aforesaid, then, and in every such case, such Assistant Protector shall and he is hereby required to attend any person so incapacitated, at his or her place of abode, for the purpose of receiving the said returns, and administering such affidavits as aforesaid.

Penalties on Persons omitting to make their Returns.

XXXIII.—And it is hereby ordered, That if any person shall refuse or neglect to make any return hereby required of him or her, or to make or take and subscribe any oath which he or she is hereby required to take and subscribe, the person so offending shall incur a fine not less than ten pounds, and not exceeding fifty pounds.

The Assistant Protectors are to transmit their Returns to the Protector, with a List of Defaulters, and the Assistant Protectors are to make their own Returns to the Protector himself.

XXXIV.—And it is hereby further ordered, That the Assistant Protector of Slaves of each district within the said respective Colonies, shall and he is hereby required to transmit to the Protector of Slaves of such Colony the whole of the returns so to be made to him as aforesaid, together with the original affidavits, thereto annexed, within fourteen days next after the latest day so to be appointed as aforesaid for receiving the same, together with a list of all managers of Slaves within the district to which such Assistant Protector may belong, who shall not have completed or made the returns required from them by law; and if any such Assistant Protector shall himself be the manager of any plantation Slaves, he shall within such time as shall by the said Protector of Slaves be for that purpose appointed, deliver or transmit to the said Protector, a transcript of the entries in his own punishment record book, together with an affidavit to be by him sworn before the said Protector of Slaves, or before any other person to be by such Protector for that purpose appointed, in the manner and form herein prescribed, and under such and the like penalty as is hereinbefore mentioned in the case of other persons refusing or neglecting to make their returns or to take the beforementioned oaths.

The Protector may send back for correction Returns improperly or irregularly made.

XXXV.—And it is hereby further ordered, That if any such return as aforesaid shall be irregularly or improperly made, it shall be lawful for the Protector or Assistant Protector of Slaves to refuse to receive, or, having received, to send back such return for correction, and to limit the time within which such return shall be so corrected and sent back to him: And no return hereby required shall be deemed to have been made according to law until any such irregularity or impropriety as aforesaid shall first have been corrected by the person making the same: Provided that during the period so to be limited for correcting any such return, no penalty shall be incurred by the person making the same, by reason of any such irregularity or impropriety as aforesaid.

The Protector is to enrol in Books all the Returns which he may receive.

XXXVI.—And it is hereby further ordered, That the said Protector of Slaves shall transcribe and record in books to be by him kept for that purpose, the whole of the returns so to be made to him, and shall keep and preserve in his office the said original returns and affidavits: And for the better and more convenient keeping of the said Records, it is further ordered, that the said Protectors of Slaves shall keep distinct books for the different districts of the said Colonies respectively, and shall therein transcribe each of the said returns in alphabetical order, according to the names of the persons making the same, and shall also keep full and exact indexes of the said books.

Slaves are declared competent to marry.

XXXVII.—And it is hereby further ordered and declared, That no person within the said Colonies respectively, is or shall be incapable in law of contracting marriage by reason that such person is in a state of slavery.

A Slave desiring to marry must apply for a License to the Protector, and produce the Owner's consent. If the Owner refuses, he is to be summoned before the Protector;

XXXVIII.—And it is further ordered, That any person in a state of slavery in any of the said Colonies who may be desirous to contract a marriage, shall, at his or her election, apply either to the Protector or to the Assistant Protector of Slaves, of the district in which the woman may reside, for a marriage license; and as an authority to him to grant the same, shall produce the consent, in writing, of the manager

manager of any such Slave, or of the managers of both of such Slaves, if both parties shall be in a state of slavery, to the celebration thereof; but in case the manager or managers of either or both of such Slaves, shall refuse to give such written consent for the celebration of any such marriage, then, and in every such case, the Protector or Assistant Protector of Slaves, as the case may be, shall forthwith issue a summons under his hand, requiring the manager or managers of such Slave or Slaves to appear before him, by themselves or their agents, at some convenient time and place, to be in such notice for that purpose appointed, such time being not more than fourteen days distant from the time when such application as aforesaid shall be received by such Protector or Assistant Protector of Slaves as aforesaid; and if on the appearance of such manager or managers, or in the absence of him, or them, after due citation by the delivery to him or them of such notice, no sufficient cause shall appear to satisfy such Protector or Assistant Protector, that such proposed marriage would be injurious to the said Slaves, or either of them, then, and in every such case, the said Protector or Assistant Protector of Slaves shall, without fee or reward, issue a license under his hand and seal for the solemnization of the marriage of the said Slave or Slaves; and it shall be lawful for any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any teacher of religion, within any such Colony, carrying on there no other profession, business, or occupation of profit, except that of a schoolmaster, to solemnize the marriage of the said Slave or Slaves, and the same, when so solemnized, shall to all intents and purposes be binding, valid, and effectual in the law.

and if the Protector is not satisfied that the marriage would be injurious to the Slave, he is to grant a License to any English, Scotch, or Roman Catholic Clergyman, or Dissenting Minister to celebrate it.

XXXIX.—Provided nevertheless, and it is further ordered, That nothing herein contained shall extend to render any marriage between persons in a state of slavery, or between a Slave and a free Person, valid, or effectual, which would be illegal or void if both such persons were of free condition and had been intermarried by a priest in holy orders of the Church of England.

Marriages among Slaves are not to be valid in Cases prohibited by Law among free persons.

XL.—Provided always, That no marriage which may be solemnized between any Slaves in any of the said Colonies, shall invest the parties contracting such marriage, or their progeny, with any rights at variance with the legal title of the owners or managers of such Slaves, to the services of such Slaves or their progeny, or with the duties which such Slaves or their progeny are bound by law to render to such their owners or managers.

Slaves are not by marrying to acquire Rights inconsistent with the legal Rights of the Owner.

XLI.—And it is further ordered, That every person by whom any such marriage shall be solemnized, by virtue of any such license as aforesaid, shall within fourteen days next after the solemnization thereof, under a penalty of not less than five pounds, nor more than twenty pounds, transmit to the said Protector of Slaves, and to the Assistant Protector of the district in which the woman may reside respectively, Certificates of the solemnization of such marriage; and the said Protector of Slaves, and the said Assistant Protector respectively, shall register in books, to be by them kept for that purpose, every marriage which shall be so solemnized, with the date thereof, and the names, descriptions, and places of abode of the parties contracting, and of the person solemnizing every such marriage.

Registries to be kept of the marriages of Slaves.

XLII.—And it is hereby further ordered and declared, That no person within the said Colonies being in a state of slavery, is or shall be deemed to be, by reason or on account of such his or her condition, incompetent to purchase, acquire, possess, hold, or enjoy, alienate, devise, or bequeath property of any amount or of any description whatsoever, not hereinafter excepted; but every such Slave shall and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate, devise and bequeath property of any amount or of any description, not hereinafter excepted, and to bring, maintain, prosecute, and defend any action in any Court of Justice, for and in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition.

Slaves may acquire Property of any amount, and bring and defend actions for it.

XLIII.—Provided always, That no Slave in any of the said Colonies shall be competent to become the proprietor of, or to hold or retain any boats, or other craft or vessels, or any share or interest therein, or any gunpowder or other ammunition, fire arms or military weapons, of whatever nature or kind soever.

Slaves may not be proprietors of boats, ammunition, &c.

XLIV.—Provided also, and it is hereby further ordered, That no person in a state of slavery shall be competent in the law to acquire or possess any Slave or Slaves, or any interest in any Slave or Slaves.

Slaves may not be the Proprietors of Slaves.

ORDER IN COUNCIL FOR CONSOLIDATING

Slaves may not be taken in execution in satisfaction of debts contracted by themselves.

XLV.—Provided also, and it is hereby further ordered, That no Slave shall be liable to be taken in execution or detained in prison, or in any other confinement, upon any process issuing out of any Court of Justice in any of the said Colonies, in any civil action against any such Slave, or in any civil proceeding depending in any such court, to which any such Slave may be a party.

Slaves not to be separated under legal process if bearing to each other any of the relations herein-mentioned.

XLVI.—And it is further ordered, That it shall not be lawful in the execution of any judgment, sentence, decree, or order, of any Tribunal, or of any Court of Justice, within any of the said Colonies, to seize or take in execution, or sell any Slave separate and apart from any other Slave to whom he or she may bear the relation of husband or wife, or the relation of parent or child, or to whom he or she shall be reputed to bear any of those relations, and who may also be the property of the person or persons against whom any such judgment, sentence, decree or order has been pronounced; but in the execution of every such judgment, sentence, decree or order, all Slaves being the property of the same person or persons, and bearing to each other any such relation or reputed relation as aforesaid, shall be sold together, and in one and the same lot, and to the same person or persons; and if any Slave shall be seized or sold in contravention hereof, every such seizure, execution and sale, shall be and the same is hereby declared to be absolutely null and void, to all intents and purposes whatsoever, so far as respects any such Slave or Slaves.

Separation of families are not to take place on the death of their owners intestate.

XLVII.—And it is further ordered, That in the succession and inheritance to the estate of any person who may have died intestate, no severance shall be made of Slaves bearing to each other either of the relations, or reputed relations, aforesaid; but, that if such Slaves shall descend to different persons, the Supreme Court of Civil Justice for such Colony shall and is hereby required, on the application of the Protector of Slaves thereof, to make order for the sale of such Slaves together and in one lot, and to the same person or persons, if it shall be made to appear to the said court that the separation of such Slaves cannot otherwise be prevented; and the money arising from any such sale shall belong to and become the property of the persons entitled to the said Slaves, and such court shall, on the summary application of any of the parties interested, make such order for the application of any such money as may be just.

Husbands and wives, parents and children, may not be separated from each other by conveyance, contract or will.

XLVIII.—And it is further ordered, That where any two or more Slaves in any of the said Colonies belonging to the same owner or owners, shall bear to each other any such relation or reputed relation as aforesaid, such Slaves shall not be sold, alienated, or disposed of separate and apart from each other; and that any private contract, sale, conveyance, donation, will, or other mode of alienation whatsoever, whereby any such Slave shall be sold, alienated, or disposed of separate and apart from the Slave to whom he or she may bear such relation or reputed relation, shall, as far as respects any such Slave or Slaves, be absolutely, and to all intents and purposes null and void, and of no effect.

In cases where it is unknown or doubtful whether a Slave has any such relations, the Protector is to inquire into and certify the fact.

XLIX.—Provided also, That if upon any intended contract, sale, conveyance or alienation, or upon the intended seizure in execution under process of law of any Slave, it shall be unknown or doubtful whether such Slave doth or doth not bear any such relation as aforesaid to any other Slave, being the property of the same owner or owners, it shall be lawful for any of the parties interested in any such contract, sale or conveyance, alienation or seizure, to require the Protector of Slaves to inquire into and ascertain the fact; and such Protector shall thereupon, by inquiries addressed to the Slaves themselves, and by all other lawful ways, ascertain whether any such Slave doth or doth not bear any such relation or reputed relation, to any other Slave or Slaves, being the property of the same owner or owners; and such Protector shall deliver to the party or parties interested a certificate under his hand, of the result of any such inquiry; and if, in and by any such certificate, such Protector shall certify, that the Slave respecting whom any such inquiry is made, doth not, to the best of his the said Protector's belief, bear any such relation or reputed relation as aforesaid, to any other Slave or Slaves, being the property of the same owner or owners, nothing herein contained shall prevent, or be construed to prevent, any Slave respecting whom any such certificate may be so given, from being separated from any other Slave, or shall affect the validity of any contract, sale, conveyance, will, or other instrument or alienation which may be made, or of any legal process which may be executed for that purpose.

L.—Provided

L.—Provided also, That if any Slaves bearing to each other any such lawful or reputed relation as aforesaid, other than the relation of husband and wife, shall signify to the Protector of Slaves of the Colony to which they belong, (both parties being first privately examined by him), their full and free consent to any such separation as aforesaid; and if such Protector of Slaves shall be of opinion that such separation would not be injurious to the Slaves themselves, nor involve the violation of the duties owing by such Slaves to each other; and if the said Protector shall thereupon certify under his hand, his consent on the behalf of such Slaves to such proposed separation, then and in that case, nothing herein contained shall prevent or be construed to prevent the separation of such Slaves from each other, or affect the validity of any contract, sale, conveyance, or will, or other instrument or alienation which may be made, or of any legal process which may be executed for that purpose.

If Slaves standing in the prescribed relations to each other, shall signify to the Protector their willingness to be separated, and if the Protector should consider the separation neither injurious to the Slaves, nor improper in itself, he may authorize the separation, except in the cases of husbands and wives.

LI.—Provided nevertheless, That nothing herein contained shall prevent or extend to the separation of any child of the full age of sixteen years from his or her father or mother, or reputed father and mother.

Slave children above the age of 16 may be separated from their parents.

LII.—And it is hereby further ordered, That no duty, tax, or impost, or fee of office, shall hereafter be levied, demanded, or payable, within any of the said Colonies, upon, for or on account, or in respect of the manumission of any Slave, or the inrolment or registration of any deed of manumission, save and except a fee not exceeding twenty shillings, which shall, by the said Protector of Slaves, be paid for inrolling and registering every such deed of manumission among the records of the Supreme Court of Civil Justice of every such Colony, and which fee shall be repaid to such Protector of Slaves out of the public revenue of the Colony to which he may belong; and if any person in any of the said Colonies shall hereafter demand, accept, or receive any such duty, tax, impost, or fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine, amounting to not less than £.10. nor more than £.50. over and above the amount of the tax, duty, impost or fee, so by him received.

All Fees of Office and duties on manumissions abolished.

LIII.—And for the prevention of doubts as to the power of the owners of Slaves to manumit such Slaves at their pleasure, it is hereby further ordered and declared, That subject to the regulations hereinafter made, any person being the owner of any Slave in any of the said Colonies, may, by his or her last will, or by deed under his or her hand and seal, at his or her pleasure, manumit and set free any such Slave, so far as relates to the interest of every such testator or grantor; and that every such manumission shall, as far as relates to the interest of the testator or grantor, as the case may be, but no further or otherwise, be valid and effectual in the law for the perpetual enfranchisement of any such Slave: Provided nevertheless, that no person having a partial or temporary interest in any Slave, may, to the extent of such interest, effect his or her manumission gratuitously, unless all other persons having a partial, future, or reversionary interest in such Slave, shall consent or be parties to such manumission, or unless such partial, future, or reversionary interests shall be purchased in the manner hereinafter provided.

All persons may manumit Slaves, belonging to them, with the concurrence of all the joint owners.

LIV.—And in order to prevent the fraudulent manumission of Slaves, incompetent from age or disease to earn their own living, it is further ordered, That in case any such deed of manumission shall be executed gratuitously, and without any valuable consideration passing to the owner or other person effecting the same, the Slave so to be manumitted shall, previously to the actual execution of any such deed, appear before the Protector of Slaves, or the Assistant Protector of Slaves, for the district in which the Slave is resident; and if it shall appear to the said Protector or Assistant Protector, that such Slave is under the age of six years or above the age of fifty years, or is labouring under any habitual disease or infirmity of mind or body, the owner or person effecting such manumission shall, under his or her hand and seal, execute and deliver to the said Protector or Assistant Protector a bond to His Majesty, in the penal sum of £. 200. with a condition thereunder written for the defeazance thereof, if such Slave shall be properly fed, clothed, and maintained, until the age of fourteen years in the case of infants, or during the term of his or her natural life, in the case of adults of the age of fifty years, or labouring under any such sickness, disease, or infirmity as aforesaid; and no such gratuitous manumission shall be valid and effectual in the law, or shall be

If the Slave is manumitted gratuitously, bond must be given for his maintenance if he be less than six or more than fifty years old, or in a state of disease.

received for inrolment at such office of registry, until such bond as aforesaid shall be duly executed, registered, and deposited in the said office.

The bond not necessary in case of testamentary manumissions, but the estate of the testator to remain liable as though such bond had been given.

LIV.—Provided, nevertheless, and it is further ordered, That no such bond as aforesaid, shall be required in the case of any manumission by will; but, if at the time of the death of the testator, the Slave so manumitted shall be under the age of six years, or above the age of fifty years, or labouring under any such disease or infirmity as aforesaid, the estate of every such testator shall be liable to, and chargeable with, the maintenance of such Slave until the age of fourteen years in the case of infants, or during the term of his or her natural life in the case of adults, or of Slaves labouring under any such disease or infirmity, as fully as if the said testator had in his or her life-time executed such bond as aforesaid.

With the concurrence of the Protector, Slaves may contract with their owners for their purchase of their freedom.

LVI.—And, to prevent ignorant Slaves effecting the purchase of their freedom from persons unable to make any valid title to the same, it is further ordered and declared, That it is and shall be lawful for any person, being the owner of any Slave in any of the said Colonies, to contract with such Slave, through the agency of the Protector of Slaves of such Colony, acting for and on behalf of such Slave, but not otherwise, for the manumission of the said Slave, at a price to be agreed upon between the said owner and Protector of Slaves respectively; and, in case of any such contract, it shall be the duty of the said Protector of Slaves to obtain from the office of registry of Slaves a certificate of the name or names of the person or persons by whom such Slave was last registered as his, her, or their property; and it shall also be the duty of the said Protector of Slaves to give notice by advertisement in the Public Gazette of such Colony, of such intended manumission, fourteen days, at the least, before the same is effected; and if from such certificate as aforesaid, it shall appear that the person or persons proposing to contract for the manumission of any such Slave, is, or are not, the registered owner or owners of such Slave, or if any person shall give to the said Protector of Slaves notice that there exists any charge or mortgage upon or affecting (or alleged to be upon or to affect) such Slave, or that any future or reversionary interest in such Slave is vested in any person or persons who is, or are not, a party or parties to, or consenting to, such proposed manumission, the said Protector shall, on behalf of such Slave, refuse to proceed with such contract: And it shall also be the duty of the said Protector of Slaves, on behalf of the said Slave, to satisfy himself that the person proposing to effect the said manumission, has good right and title in the law, and is competent to effect the same; and it shall also be the duty of the said Protector of Slaves, without fee or reward, to prepare, in every such case, the proper deed of manumission, which shall, in all cases be executed in the presence of, and attested by the said Protector of Slaves, or some proper person to be especially appointed by him to be such witness thereto; and every such deed being so executed, shall, by such Protector of Slaves, be inrolled in the Supreme Court of Civil Justice, in and for the Colony to which he belongs, within one calendar month next after the date and execution thereof, on payment of a fee for such inrolment, to the person inrolling it, not exceeding the sum of twenty shillings; and in case any such deed shall not be so inrolled by the said Protector of Slaves, within the said period of one calendar month, the said Protector of Slaves shall incur, and be liable to the payment of a fine of not less than ten pounds, nor more than fifty pounds.

Slaves may effect the purchase of their freedom by a compulsory process. If the Owner be unwilling or unable to effect the manumission, or labour under any incapacity, or if an excessive price be demanded, the Chief Judge is to cite all persons having an interest in the Slave to attend him.

LVII.—And to provide for the manumission of Slaves, in cases where the owners of such Slaves may be unwilling or unable to contract for such manumission, it is hereby further ordered, That if the owner of any Slave in any of the said Colonies, or any person having any interest in any such Slave, shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage or settlement, or lease or charge upon, or interest in such Slave, being vested in any other person or persons, be unable to execute a valid and effectual manumission of such Slave; or if the owner, or any other person, having a charge upon or interest in any such Slave, shall be a minor, or a married woman, or idiot or lunatic, or if the real owner of any such Slave shall be absent from the Colony to which the Slave belongs, or shall not be known; or if any suit or action shall be depending in any Court of Justice in the said Colony wherein the title to the said Slave, or the right to his or her service, shall or may be in controversy, or if the owner of any such Slave shall demand as the price of his or her freedom, a greater sum of money than may appear to the said Protector of Slaves to be the fair and just value thereof, then and in each and every of the cases aforesaid, the Chief Civil Judge of such Colony,

THE SLAVE LAWS IN HIS MAJESTY'S COLONIES. 15

Colony, on application to him for that purpose made, by the Protector of Slaves of such Colony, shall issue a summons under his hand and seal, requiring the owner or the manager of such Slave to appear before him, by themselves or their agents, at some convenient time and place, to be in such summons for that purpose appointed, and notice shall be published by the said Protector of Slaves, in the public Gazette of such Colony, of the time and place appointed for the purpose aforesaid; and in such notice, all persons having or claiming to have any title or interest to or in the Slave proposed to be manumitted, either in their own right, or as the agents, guardians, attorneys, trustees or representatives of any other person, shall be required to attend and prefer such claims.

LVIII.—And it is hereby further ordered, That at the time appointed for any such meeting as aforesaid, the Chief Civil Judge of such Colony, in the presence of the Protector of Slaves thereof, and also in the presence of the owner or manager of the Slave proposed to be manumitted, or upon proof being made to him upon oath, of the due service and publication of such notice as aforesaid, then, if necessary, in the absence of such owner or manager, shall proceed to hear in a summary way, what may be alleged by the said Protector of Slaves, and by the owner or manager, or other persons claiming any interest in the said Slave proposed to be manumitted, and attending in pursuance of any such notice; and in case the said parties, or any of them, shall refuse to effect such manumission at a price approved by the said Protector of Slaves, or in case it shall be made to appear to the said Chief Civil Judge, that a valid and effectual manumission of such Slave cannot legally be effected by private contract, or that the owner of such Slave, or any person having any charge upon or interest in such Slave, is a minor or a married woman, or idiot or lunatic, or that the real owner of such Slave, or any person having any charge upon or interest in such Slave, is absent from the said Colony, or is unknown, or cannot be found, or that any action is depending in any Court of Justice in such Colony wherein the title to such Slave, or the right to his or her services, is in controversy, then, and in every such case, the said Chief Civil Judge shall require the Protector of Slaves, and the owner or manager of such Slave, if attending in pursuance of this notice, each to nominate an appraiser of his or her value, and the said Judge shall himself nominate an umpire between such appraisers; but if such owner or manager, being duly summoned as aforesaid, shall fail to attend, or attending, shall refuse or omit to nominate an appraiser, then the said Judge shall not only nominate such umpire as aforesaid, but shall also nominate an appraiser on behalf of such owner or manager.

On proof made to the Judge of such incapacity, &c. he is to require the Protector and Owner each to name an Appraiser, and is himself to name an Umpire. The Judge when necessary is to nominate the Appraiser also.

LIX.—And it is further ordered, That the appraisers so to be nominated as aforesaid, shall be duly sworn by and before the said Chief Civil Judge, to make a fair and impartial appraisal of the Slave so proposed to be manumitted, and within seven days next after such their appointment, such appraisers shall make a joint valuation of the said Slave, and shall certify such their valuation to the said Chief Civil Judge, under their hands and seals; and in case such joint certificate shall not be so made and delivered to the said Judge within the said term of seven days, then the said umpire being duly sworn in manner aforesaid, shall within the next succeeding seven days, certify his valuation to the said Judge, and the valuation to be made in manner aforesaid, either by the said joint appraisers, or in their default by the said umpire, shall be binding and conclusive, and shall be entered and inrolled among the Records of the Supreme Court of Civil Justice in and for such Colony.

The Appraisers to make a valuation in seven days, failing which the Umpire is to make the valuation.

LX.—Provided nevertheless, That if it shall be made to appear to the said Judge within one calendar month next after such valuation shall have been made, that in the making thereof the said appraisers or umpire, or any of them, acted fraudulently or unjustly, or under the influence of any improper motive, then, but not otherwise, it shall be lawful for the said Judge to set aside the said valuation, and to declare the same to be void, and to direct another valuation to be made in manner aforesaid, for which purpose new appraisers and a new umpire shall in manner aforesaid be appointed and sworn, and shall proceed to make a second valuation, which being certified to the said Judge in manner aforesaid, shall be to all intents and purposes binding and conclusive: Provided that such second or any subsequent valuation may in like manner be set aside by any such Judge on the grounds aforesaid, until a valuation is made not open to any such objection.

On proof to the Judge of fraud or injustice in making the valuation, he may set it aside and so on till an unobjectionable valuation is made.

LXI.—Provided also, That if the amount of any such valuation shall not be paid in manner hereinafter mentioned, within three calendar months next after the

If the amount is not paid in three months, the proceedings cancelled, and no new

valuation can be made for twelve months.

inrolment thereof, such inrolment shall be cancelled, and it shall not be lawful for any such Slave, or for the Protector of Slaves, on his or her behalf, again to institute such proceedings as before mentioned for his or her manumission, until the expiration of twelve calendar months, to be computed from the date of such former valuation.

In making the valuation the appraisers are to take into account all the qualities of the Slave and other facts which they may think material.

LXII.—And it is further ordered, That in making any such valuation as aforesaid, the said appraisers or umpires, as the case may be, shall and they are hereby required to take into their consideration the qualities of the Slave proposed to be manumitted, as well as his or her skill in any domestic service or employment, or other labour whatsoever, with any other facts or circumstances which, in the opinion of such appraisers or umpire, ought to influence their or his judgment, as to the price to be paid by such Slave for his or her manumission.

If it is proved to the satisfaction of the Judge, that the money to be paid by the Slave has been acquired by a donation *inter vivos* made with the intent of enabling the Slave to purchase his freedom, the proceedings are to be stayed.

LXIII.—Provided also, and it is further ordered, That if after any such valuation shall have been made as aforesaid, and before the same has been inrolled as aforesaid, it shall be alleged by, or on behalf of the owner or manager of the Slave proposed to be manumitted, that the money to be paid by such Slave as the price of his or her freedom, or any part of that money, has been acquired by such Slave by a donation *inter vivos*, made by any person or persons with the intent of enabling or assisting such Slave to effect the purchase of his or her freedom, it shall be incumbent on such Judge to stay the inrolment of such valuation until he shall have inquired into the truth of such allegation; and if by any evidence given on oath before the said Judge, it shall be made out to his satisfaction that the money about to be paid by such Slave as the price of his or her freedom, or any part of that money, has been acquired by such Slave by a donation *inter vivos*, made with the intention of enabling or assisting such Slave to effect the purchase of his or her freedom, then and in every such case the said Judge shall order all further proceedings to be stayed, but without prejudice to the renewal by the said Slave, or by the said Protector of Slaves, on his or her behalf, of such proceedings as aforesaid for the manumission of such Slave at any future time; and failing any such proof as aforesaid, the said Judge shall overrule such objection to the proposed manumission, and shall order the valuation of such Slave to be recorded in manner aforesaid.

If it be proved that within five years the Slave has committed any robbery, the proceedings are to be stayed till the end of that term.

LXIV.—Provided also, That if at any time before the inrolment of any such valuation, it shall be alleged before the said Judge, by the owner or manager of the Slave proposed to be manumitted, that such Slave hath, within five years next preceding the date of the application made to such Judge, on his or her behalf for such manumission as aforesaid, committed any robbery or theft, the said Judge shall inquire into the truth of such allegation, and if it shall be made to appear to him, by good and sufficient evidence on oath, that such Slave hath, within the said term of five years, committed any robbery or theft, the said Judge shall and he is hereby required to make an order for staying such inrolment as aforesaid; and thereupon the same and all other proceedings for the manumission of any such Slave shall be stayed until the expiration of the full term of five years from the time of the commission of any such theft or robbery.

The Protector may pay to the Colonial Treasurer the price of the Slave in three months from the valuation, and enrol the receipt in the Supreme Court, after which the Slaves to be free.

LXV.—And it is hereby further ordered, That upon or within three calendar months next after the inrolment in the Supreme Court of Justice of any such Colony, of any such valuation as aforesaid, it shall be lawful for the Protector of Slaves of such Colony, out of any monies to be supplied to him for that purpose, by the Slave proposed to be manumitted, to pay to the treasurer of any such Colony the appraised value of such Slave, taking a receipt in writing from such treasurer for every such payment; and the Chief Civil Judge of such Colony shall, upon application to him for that purpose made by the said Protector of Slaves, make an order for the inrolment in the said Supreme Court of Justice of such receipt, and the said Chief Judge shall by such order, further proceed to declare and adjudge that the Slave, by or on behalf of whom such money hath been paid, is manumitted and free; and such Slave shall thereupon be, and be deemed, taken and reputed to be, free to all intents and purposes.

The Governor is to establish a Table of Fees to be taken on this process.

LXVI.—And be it further ordered, That the Governor of every such Colony as aforesaid, by a proclamation to be by him issued for that purpose, shall establish a moderate and reasonable Table of Fees and Expenses, to be paid and incurred in making such appraisements as aforesaid; and such fees and expenses shall in all cases be established at the lowest rate which may be consistent with the effective discharge

discharge of the duties of such appraisers, and not by way of poundage or per centage on the value of the Slave; and any appraiser or other person who shall demand or receive for any services by him or her rendered, in or about any such appraisal, any greater or other fee, sum of money, advantage or emolument whatsoever, than such as shall be authorized by such table, shall incur a penalty of not less than five pounds, nor more than fifty pounds, in addition to the amount of any such unlawful fee, sum of money, advantage or emolument so received.

LXVII.—And it is further ordered, That if any such appraisal as aforesaid, shall have been rendered necessary by any difference of opinion between the Protector of Slaves, and the owner or owners, or manager, respecting the price to be paid for the Slave proposed to be manumitted, the expense of such appraisal shall be borne by the Slave, and be added to the amount of the valuation, if such Slave shall be appraised at a sum exceeding or equal to the price demanded by such owner or owners; or exceeding the sum offered by the Slave, or by the Protector on his or her behalf, as the price of his or her freedom; but if the appraised value of such Slave shall be less than the price previously demanded by his or her owner or owners, then the expense of such appraisal shall be wholly borne and defrayed by such owner or owners; and in case any such appraisal shall have been rendered necessary by any other cause than a difference of opinion as to the price to be paid for the manumission of the Slave, the expense of the appraisal shall be equally divided between such Slave and his or her owner or owners.

In what manner the expense of the proceedings is to be borne.

LXVIII.—And it is further ordered, That the money to arise from the manumission of any Slave by virtue of the proceedings before mentioned, shall remain in the hands of the public treasurer of such Colony, and shall bear interest at and after the rate of 5 *l.* per cent per annum, and His Majesty's revenue in every such Colony shall and is hereby declared to be pledged and responsible for the due payment of such principal money and interest; or shall in the discretion of such treasurer be invested in the purchase in his name of any public funds or securities of Great Britain and Ireland; and the Chief Civil Judge of any such Colony as aforesaid shall and he is hereby authorized, upon application to him for that purpose made, to direct that any such money be laid out and invested in the purchase of any other Slave or Slaves, and the Slave or Slaves so to be purchased as aforesaid, or in case of no such purchase being made, then the money in the hands of the said treasurer, and the interest accruing on such money, or the public funds of Great Britain and Ireland so to be purchased as aforesaid, and the dividends payable thereupon, shall be the property of the person or persons who was or were the owner or owners of such manumitted Slave, and shall be subject and liable to all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands of what nature or kind soever, as such Slave was held upon, under or subject unto, at such time of his, her, or their manumission: And the said treasurer shall hold the said money and the interest accruing thereupon, or the said public funds and dividends, subject to such order as such Chief Judge of any such Colony may upon a summary application of any person interested therein, and upon notice to all other persons interested therein, or their agents, see fit to make; and such principal money and interest shall by such treasurer be paid and disposed of in pursuance of, and in obedience to, any such order.

How the purchase money is to be invested when necessary.

LXIX.—And it is hereby further ordered, That it shall and may be lawful for the Chief Civil Judge of every such Colony as aforesaid, to make and prescribe, and from time to time to revoke and alter as occasion may require, all such rules and orders as may be necessary for the regular and proper exercise of the jurisdiction hereby in him vested, and for regulating the proceedings of all persons who may be parties to or interested in any question so depending before him.

The Judge is to make all necessary rules for the conduct of the proceedings on compulsory manumissions.

LXX.—And it is hereby further ordered, That no person shall henceforth be rejected as a witness, or be or be deemed to be incompetent to give evidence in any court of civil or criminal justice, or before any judge or magistrate, or in any civil or criminal proceeding whatsoever, in any of the said Colonies, by reason that such person is in a state of Slavery, but that the evidence of Slaves shall in all courts and for all purposes be admissible, and be received in the said Colonies in the same manner, and subject to the same regulations as the evidence of free persons: Provided always, That nothing herein contained shall prevent any court or jury, judge or magistrate, in the said Colonies respectively, from adverting to the servile condition of any witness, or to the relation in which any such witness may

The evidence of Slaves to be admitted.

18 ORDER IN COUNCIL FOR CONSOLIDATING

stand to any other person, in estimating the degree of credit which ought to be attached to the testimony of any such witness.

Forfeiture of Slaves on conviction of the Owner for cruelty.

LXXI.—And it is hereby further ordered, That if any person or persons shall hereafter be convicted in any of the said Colonies of having inflicted or authorized any illegal and cruel punishment of, or of any cruelty towards any Slave or Slaves, to him, her or them belonging, it shall be in the discretion of the court in which any such conviction may be had, to declare the right and interest of the person or persons so convicted, in or to any such Slave or Slaves, forfeited to His Majesty, in addition to any other punishment which may by law be inflicted upon any such offender or offenders: Provided always, that nothing herein contained shall extend to deprive any person or persons, other than the person or persons committing or authorizing such offence, of any of such Slave or Slaves, or of any right, title or interest therein.

The punishment of Slaves making calumnious accusations.

LXXII.—And it is hereby ordered, That no Slave in any of the said Colonies shall be liable to be punished for preferring, and failing to establish any complaint against his or her owner or manager, unless such complaint shall have originated in some malevolent or culpable motive; and in any such case, such Slave shall be liable to be punished under the authority of any court or magistrate in any such Colony, upon proof being made in a summary way, before such court or magistrate, that the complaint was without foundation, and originated in a malevolent or culpable motive.

Penalties for falsifying Records.

LXXIII.—And it is further ordered, That if any such Protector or Assistant Protector of Slaves as aforesaid, or other person or persons, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the books, records or returns hereinbefore required to be kept and made, or shall wilfully falsify any such book, record or return, or shall wilfully make, or cause, or procure to be made, any false entry in any such book, record or return, or shall wilfully and fraudulently destroy, burn, cancel or obliterate the same or any of them, or any part thereof, the person so offending, shall be and be deemed to be guilty of a misdemeanor.

Punishment of misdemeanors.

LXXIV.—And it is hereby further ordered, That any person who shall commit any offence hereby declared to be a misdemeanor, shall on conviction, be subject to the payment of a fine not less than £. 10. nor more than £. 500. or to imprisonment for any time not less than one calendar month, nor more than twelve calendar months, or to both fine and imprisonment.

Punishment of perjury.

LXXV.—And it is hereby ordered, That any person taking any oath under and in pursuance of this Order, who shall be convicted of swearing falsely, shall incur and suffer such punishment as by the law of the Colony, in which such conviction shall take place, may be inflicted on any person guilty of wilful and corrupt perjury.

The Protector authorized to sue for penalties.

LXXVI.—And it is hereby further ordered, That the Protector of Slaves in each of the said Colonies shall and he is hereby authorized to prosecute, sue for and recover all the fines, forfeitures and penalties which may be incurred by any person under and by virtue of this order, other than such as may be incurred by such Protector himself; and that one-third part of all fines and pecuniary penalties which may so be recovered, shall accrue to and be for the benefit of the said Protector himself, and the remaining two-third parts shall go to His Majesty.

Recovery and application of fines.

LXXVII.—And it is hereby further ordered, That the Governor for the time being of each of the said Colonies shall and he is hereby authorized, by proclamations to be by him for that purpose from time to time issued, to provide and declare in what courts, or before what judges or magistrates, every offence committed or alleged to have been committed, against the provisions of this present Order, shall be tried and prosecuted; and in what courts, or before what judges or magistrates such fines, forfeitures and penalties as aforesaid, shall be prosecuted, sued for and recovered; and in what manner all penalties incurred by any Protector or Assistant Protector shall be sued for, recovered and applied; and to regulate the manner in which such Protector or Assistant Protectors of Slaves of such Colony shall proceed in executing the duties hereby imposed on them, in the defence of any such accused Slaves, or in the instituting and conducting of any such civil action, suit or criminal proceeding as is herein mentioned, or in the prosecuting, suing for and recovering

THE SLAVE LAWS IN HIS MAJESTY'S COLONIES. 19

recovering any such fines or forfeitures and penalties as aforesaid, and also to regulate the manner in which actions shall be brought by or against any Slaves in respect of any property which any such Slaves are hereby authorized to acquire and possess; all which provisions and regulations of the said respective Governors shall be as nearly as may be conformable to the laws and usages in force in the said Colonies respectively.

LXXVIII.—And it is further ordered, That all fines and pecuniary penalties imposed by this Order, shall be taken to be so imposed in British sterling money; and that the amount of those fines of which only the least and the greatest amount is mentioned in this Order, shall be determined by the discretion of the court before which the same shall be recovered.

All fines to be recovered in British sterling money, and between the limits fixed in the Order, the Court in its discretion to determine the amount of the fine.

LXXIX.—And it is hereby further ordered, That all proclamations, orders and rules of court, which the Governors and Judges of the said Colonies are by this present Order authorized to issue, promulgate and establish, shall be consistent with this present Order, and not repugnant thereto, and shall be transmitted by every such Governor to one of His Majesty's principal Secretaries of State, for His Majesty's approbation; and until the same shall be disallowed by His Majesty, they shall have the same force and effect within the Colony in which they may have been published, as if they had formed part of this present Order.

The Governor's Proclamation to be transmitted for confirmation.

LXXX.—And it is hereby further ordered, That the Protector of Slaves in each of the said Colonies, shall on the 1st Monday next after the 25th of December and on the first Monday next after the 24th of June in each year, deliver to the Governor for the time being of such Colony, a written Report of the manner in which the duties of such his office have been performed during the half year next preceding the date of every such report, and such reports shall be compiled in such form as His Majesty, through the Governor of each of the said Colonies, shall by any proclamation to be for that purpose issued, prescribe, and in none other; and such Protector of Slaves shall make oath before such Governor, that the said report contains a true and accurate statement of the several matters and things therein referred to; and when and so soon as any such Protector of Slaves shall have made such his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then and not before, the Governor of any such Colony shall issue to the said Protector of Slaves, a warrant upon the treasurer of the said Colony, for the amount of his salary for the half year next preceding the date of such report; and such Governor shall and is hereby required, by the first convenient opportunity, to transmit every such report as aforesaid, to His Majesty's Principal Secretary of State having the department of the Colonies.

The Protectors are to make half yearly reports, as the condition of receiving their salaries.

LXXXI.—And it is hereby ordered and declared, That for the purpose of this present order, any person lawfully administering the government of any of the said Colonies, shall be deemed and taken to be the Governor thereof; and that any person having the chief superintendence of the labour of any Slaves, whether as the owner thereof, or otherwise, shall be deemed and taken to be the manager of such Slaves; and, that all Slaves employed in any agricultural or manufacturing labour at any time between the 1st day of January and the 30th day of June, or between the 1st day of July and the 31st day of December in any year, shall, during the whole of such half year, be deemed and taken to be Plantation Slaves; and that the Governor of every such Colony, as aforesaid, shall, by proclamation to be by him for that purpose issued, determine the divisions of such Colony, which shall be deemed and taken to be districts thereof, for the purposes and within the meaning of this Order.

Explanation of particular terms.

LXXXII.—And it is further ordered, That the Governor of every such Colony as aforesaid, shall, within one calendar month next after the present Order shall be received by him, make known the same by proclamation in such Colony; and that the said Order shall be in force on the expiration of fourteen days next after the date of such proclamation, and not before.

The publication of this Order in the different Colonies.

And the Right Honourable Sir George Murray, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(signed) JAS. BULLER.

SLAVES.

AN ORDER OF THE KING IN COUNCIL,

FOR

CONSOLIDATING the several Laws recently made
for improving the condition of the SLAVES in
His Majesty's Colonies of *Trinidad, Barbice,*
Demerara, Saint Lucia, Cape of Good Hope
and *Mauritius.*

Ordered, by The House of Commons, to be Printed,
8 February 1830.